


1 are exhausted but procedurally defaulted. The court will accept the R&R and deny and
2 dismiss with prejudice Petitioner's Amended Petition for Writ of Habeas Corpus.

3 **IT IS THEREFORE ORDERED** that Report and Recommendation of Magistrate
4 Judge Sitver (doc. #28) is **accepted**.

5 **IT IS FURTHER ORDERED** that Petitioner's Amended Petition for Writ of Habeas
6 Corpus (doc. #4) is denied and dismissed with prejudice because Petitioner's claims are
7 exhausted but procedurally defaulted. The clerk shall terminate this case.

8 DATED this 19th day of January 2006.

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13 Neil V. Wake
14 United States District Judge
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